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The debate around polygamy in Canada, and more specifically around the constitutionality of its criminalization, has recently attracted increased attention, even though polygamy has been banned for over 120 years. Polygamy was criminalized in Canada in 1890, when Mormon immigrants settled there to escape the persecution they suffered in the United States. Few criminal charges have been laid, despite the fact that a Fundamentalist Mormon community, located in Bountiful, British Columbia, has been openly practicing polygamy.

This book proposes to draw up a list of the main legal issues raised in the reference on the constitutionality of the criminalization of polygamy rendered by the Supreme Court of British Columbia. The authors also consider the questions it has raised around the social and political order, without answering them outright. Far from being a quiet subject, the law in this case was the allegory to one of the most heated controversies around the practice of polygamy in Canada in the past decade. Although the reference process put in place by the British Columbia government was supposed to clarify the law, the decision, contrary to expectations, was the subject of much criticism due to the premises it was based on. Nevertheless, it stands as an important decision that has marked Canadian jurisprudence on the subject of religious rights, both by its symbolic effect, and by the political, ethical, and legal debates surrounding it.